

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

KENT GARVEY, ON BEHALF OF
HIMSELF AND ALL OTHERS
SIMILARLY SITUATED,

Plaintiff,

v.

JAMES ARKOOSH, SAMUEL
BELZBERG, PETER KLEIN AND
DIOMED HOLDINGS, INC.,

Defendant.

CIVIL ACTION NO. 1:04CV10438
RGS

**DEFENDANTS' MOTION FOR LEAVE TO FILE AN EXTENDED
BRIEF AND TO FILE A REPLY BRIEF**

For the reasons set forth in the accompanying memorandum, Defendants Diomed Holdings, Inc. and James Arkoosh (collectively, "Defendants"), by counsel, respectfully request leave of Court to file a brief in support of their motion to dismiss that is no longer than 30 pages in length and to file a reply brief.

Pursuant to Local Rule 7.1(A)(2), Defendants' counsel states that it has conferred with counsel for Plaintiffs, who does not oppose this motion.

Respectfully submitted,

JAMES ARKOOSH and
DIOMED HOLDINGS, INC.

By Counsel,

/s/ James J. Foster

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CERTIFICATE OF SERVICE

I certify that a true copy of the above document was served by first-class mail to:

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counsel for Plaintiffs, on October 1, 2004.

/s/ James J. Foster